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| 10/803,122 | 03/18/2004 | In-sung Choi | 1793.1221 | 5285 |
| 21171 7590 11/10/2008 STAAS & HALSEY LLP SUITE 700 1201 NEW YORK AVENUE, N.W. WASHINGTON, DC 20005 | | | | |
| EXAMINER | | | | |
| VO, TED T | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/803,122

Applicant(s)

CHOI ET AL.

Examiner

TED T. VO

Art Unit

2191

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 June 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

1. This action is in response to the amendment filed on 06/23/2008, entered by the request filed on 08/19/2008.

Claims 6-27 are withdrawn. Claims 1-5 are pending in the application.

Response to Arguments

2. This is in response to the argument remarks filed on 06/23/2008.

In the specification, it asserted that:

- Conventional methods of generating a device driver, e.g., a printer driver, are disadvantageous in that a user is not allowed to selectively change only desired functions when installing the printer driver. This is because all of the functions of a printer driver are included in a single file when a printer driver or a user interface is developed for a particular model. In other words, in order to change a desired function, an entire driver is rebuilt, a driver installation program using the rebuilt driver is made, and the driver is installed when a user clicks on the driver installation program.

-when even a single function of a device driver, e.g., a printer driver, is to be changed according to conventional methods, a developer must rebuild an entire program including a source program of the changed function and source programs of the remaining unchanged functions. Accordingly, the conventional methods of generating a printer driver with a changed function have problems of increasing the amount of time taken to develop a printer driver and causing side effects.

It appears the amendment is amended in this manner. However, it is untrue as in the assertion. Gomerz, a prior art, shows printer driver is not included in a single file, but components/functions of the printer driver appear being organized in the form of separated

modules – base of manufacture **modules**. This suggests any ordinary in the art when a modification occurred on one module, or subset of modules, or adding new features in the printer driver (Gomez: Print Driver #22), it is not necessary to change all modules in the printer driver as asserted by the current application. Even if it is true that a printer driver is only a single file, it does not cause the making a single file separable to become patentable if the size of a single file is small (In re Dulberg, 289 F.2d 522, 523, 129 USPQ 348, 349 (CCPA 1961) (The claimed structure, a lipstick holder with a removable cap, was fully met by the prior art except that in the prior art the cap is “press fitted” and therefore not manually removable. The court held that “if it were considered desirable for any reason to obtain access to the end of [the prior art’s] holder to which the cap is applied, it would be obvious to make the cap removable for that purpose.”).

In the prior art, FIG. 3 shows that to customize a function in the printer driver, it is simply added an extended function in the base modules.

Therefore, asserting that priors arts are only to build a printer driver in a single file, where the claim which is merely for *generating separate files for each functional component of the device driver and a user interface; making a device installation program by rebuilding only the file corresponding to the functional component to be modified when a modification of a functional component is needed* fails to be patentable and it reads on the base modules of printer driver in Gomez’s

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5 are rejected under 35 U.S.C. 102(e) as being anticipated by Gomez et al., US Pat. No. 7,106,472 B2 (Hereinafter: Gomez), filed on 10/31/2002.

Given the broadest reasonable interpretation of followed claims in light of the specification.

As per Claim 1: Gomez discloses, *A method of generating a device driver having a plurality of functional components* (Sec FIG. 3 and associated text, refer to #24, #26), *the method comprising:*

generating separate files (c.g. #26) for each functional component (the base Functions #25 and the Extended Function #27) *of the device driver and a user interface* (refer to # 22) ;

making a device installation program by rebuilding only the file corresponding to the functional component to be modified to make a device driver installation program when a modification of a functional component is needed (See FIG. 3, i.e. Customized Printer Driver; see FIG. 2, #20); and

reconstructing a device driver information information on the device drive to be installed using the file corresponding to the functional component selected by a user on the device driver installation program and generating an update to the device driver using the reconstructed device driver information on the device driver (See FIG. 2, and whole reference).

As per Claim 2: Gomez discloses, *The method of claim 1, wherein the generating the file comprises constructing each functional component according to a model and functions of a device and generating the file for each functional component* (See FIG. 2 and FIG. 3).

As per Claim 3: Gomez discloses, *The method of claim 1, wherein the device driver is used in a printer, and each functional component has a data structure value of a DEVICE MODE (DEVMODE) as a parameter* (See FIG. 9).

As per Claim 4: See the rationale addressed in Claim 1 above.

As per Claim 5: Gomez discloses, *The apparatus of claim 4, wherein the device driver is used in a printer, and each functional component has a data structure value of a DEVICE MODE (DEVMODE) as a parameter* (See FIG. 9).

Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ted T. Vo whose telephone number is (571) 272-3706. The examiner can normally be reached on 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Y. Zhen can be reached on (571) 272-3708.

The facsimile number for the organization where this application or proceeding is assigned is the Central Facsimile number 571-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TTV
November 07, 2008

/Ted T. Vo/
Primary Examiner, Art Unit 2191